

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROGER CLEO MARTIN,

Plaintiff,

v.

RUSS WAYNE, et al.,

Defendants.

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Case No. 1:16-cv-1314

HONORABLE PAUL L. MALONEY

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Nurse Shannon Stone filed a motion for judgment on the pleadings and Defendant Dr. Cheryl Simpson has filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). The matters were referred to the Magistrate Judge, who issued a Report and Recommendation on February 26, 2019, recommending that this Court grant the motions in part and deny them in part. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 105) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that Defendant Stone's motion for judgment on the pleadings (ECF No. 63) and Defendant Simpson's motion to dismiss (ECF No. 64) are GRANTED as to Plaintiff's claims against these two Defendants which arose from incidents that occurred between November 15, 2013 and July 11, 2014, and DENIED as to Plaintiff's claims against these

two Defendants which arose from incidents that occurred between July 12, 2104 and his discharge from the jail on or about September 4, 2014.

**IT IS FURTHER ORDERED** that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith. See *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Dated: March 25, 2019

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge